

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

D. Easley,

Case No. 3:22-cv-1397

Plaintiff

v.

ORDER

Jori Anderson, *et al.*,

Defendants

Because Plaintiff is proceeding *in forma pauperis*, service in this case is governed by Federal Rule of Civil Procedure 4(c)(3) and 28 U.S.C. § 1915(d), which “[t]ogether, … stand for the proposition that[,] when a plaintiff is proceeding in forma pauperis[,] the court is obligated to issue plaintiff’s process to a United States Marshal who must in turn effectuate service upon the defendants, thereby relieving a plaintiff of the burden to serve process once reasonable steps have been taken to identify for the court the defendants named in the complaint.” *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996).¹

At this juncture, it is not clear to me that the following Defendants have been properly served:

- 1.) Kelly Storm
- 2.) Alexandria Restelli
- 3.) Michael Kaspereczyk

¹ At the time *Byrd* was decided, the operative Rule was Rule 4(c)(2) and the operative statute was 28 U.S.C. § 1915(c). Both Rule 4 and 28 U.S.C. § 1915 were subsequently amended. While the language remained the same as that interpreted by *Byrd*, Rule 4(c)(2) became Rule 4(c)(3), and § 1915(c) became § 1915(d).

- 4.) Warden Harold May
- 5.) Chief Inspector
- 6.) Behnfeld TPJ
- 7.) Johanna Lujon
- 8.) Johanaah Lujan
- 9.) Heather Myers

Because it appears that all of these Defendants were or are employed by the Ohio Department of Rehabilitation & Corrections (“ODRC”),² in the interest of efficiency, I now order the ODRC to file under seal the last known addresses for each of these Defendants. *See, e.g., Allen v. Siddiqui*, No. 3:07CV-P261-H, 2008 WL 2217363, at * 2 (W. D. Ky. May 27, 2008) (“[T]o lessen the burden on the United States Marshals Service, as a matter of practice, this Court has in the past attempted secure that information by having the agency that previously employed the defendant to file his last known address under seal.”). The ODRC shall file this document on or before January 12, 2024. After that time, I will direct the United States Marshals Service to attempt service on these individuals again at the addresses provided.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge

² The confusion regarding service of these individuals stems at least in part from the erroneous acceptance of service for the individuals at ODRC institutions. (Doc. No. 9; Doc. No. 18 at 1 n. 1).